



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 28, 1995

Ms. Dana M. Womack
Assistant District Attorney
Tarrant County
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR95-1603

Dear Ms. Womack:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37247.

The Tarrant County Jury Administrator-Bailiff (the "bailiff") has received a request for various records concerning a particular judge's call to jury service. You contend that the requested records are not subject to the Open Records Act because the bailiff is subject to the supervision and control of the judiciary pursuant to section 62.019 of the Government Code. We agree.

Section 62.019(d) provides that bailiffs appointed by district judges

shall take care of the general [jury] panel and perform the duties in connection with the supervision of the central jury room and the general panel that are required by the district judges. They may notify prospective jurors whose names are drawn from the jury wheel or selected by other means provided by law to appear for jury service and may serve notices on absent jurors as directed by the district judge having control of the general jury panel.

We believe that the bailiff is therefore subject to the supervision and control of the judiciary under section 62.19(d) of the Government Code.

The Open Records Act does not apply to records of the judiciary. *See* Gov't Code § 552.003(b). "The Open Records Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed, but leaves unchanged the status of that branch of government with respect to information held by it." Attorney General Opinion DM-166 (1992) at 1. Accordingly, the requested information is not subject to public disclosure under chapter 552 of the Government Code.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 37247

Enclosures: Submitted documents

cc: Ms. Linda P. Campbell
Fort Worth Star-Telegram
P.O. Box 1870
Fort Worth, Texas 76101
(w/o enclosures)

¹We note, however, that although the judiciary is not subject to chapter 552, Texas courts have long recognized a common-law right to copy and inspect certain judicial records, subject to the court's inherent power to control public access to its records. *See* Attorney General Opinions DM-166 (1992) (historical perspective of right of public access to records of judiciary); Open Records Decision No. 618 (1993).